

SDNY(NYNY)
04-cv-7447
Holwell

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

LISA BUTLER and STUART GARBER,
Derivatively on Behalf of
IAC/InterActiveCorp.

Plaintiffs-Appellants,
v.

BARRY DILLER, DARA
KHOSEWISHAII, JULIUS
GENACHOWSKI, RICHARD N.
BARTON, VICTOR A. KAUFMAN,
EDGAR BRONFMAN, JR., DONALD R.
KEOUGH, MARIE-JOSÉE KRAVIS,
JOHN C. MALONE, H. NORMAN
SCHWARZKOPF, ALAN SPOON,
DIANE VON FURSTENBERG, ROBERT
R. BENNETT, ANNE M. BUSQUET,
JEAN-RENÉ FOURTOU and STEVEN
RATTNER.

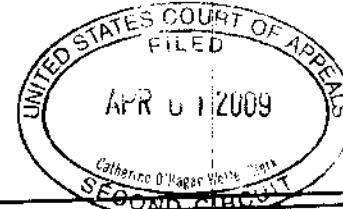
Defendants-Appellees,
-and-

IAC/INTERACTIVECORP.

Nominal Defendant-Appellee

C.A. Docket No. 07-1697-cv

STIPULATION WITHDRAWING
APPEAL FROM ACTIVE
CONSIDERATION, WITHOUT
PREJUDICE, AND WITH LEAVE TO
REACTIVATE



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DATE FILED: APR 01 2009

WHEREAS the parties entered into a stipulation so-ordered by the Court June 14, 2007 suspending the above-captioned appeal until March 31, 2008;

WHEREAS the parties again entered into a stipulation so-ordered by the Court on March 28, 2008 suspending the above-captioned appeal until September 30, 2008;

WHEREAS the parties entered into another stipulation so-ordered by the Court on October 2, 2008 suspending the above-captioned appeal until March 30, 2009; and

WHEREAS the parties agree that a further suspension is warranted given the ongoing litigation in a related case: *In re IAC/InterActiveCorp Sec. Litig.*, Master File No. 04-CV-7447 (S.D.N.Y.), which action may affect this appeal.

IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel for the parties that the above-captioned appeal hereby continues to be withdrawn from active

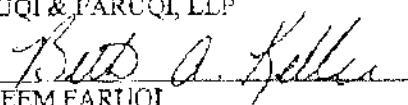
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consideration from the Court, such withdrawal to be without prejudice to a reactivation of the appeal by appellants' counsel so notifying the Clerk of this Court in writing by September 30, 2009. If not thus reactivated, the appeal shall be subject to dismissal with prejudice.

Withdrawal of the appeal from active consideration shall not operate as a dismissal of the appeal under FRAP 42(b).

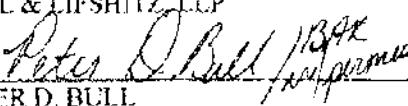
DATED: March 28, 2009

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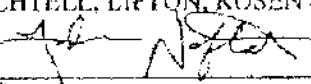
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Attorney for Appellees

SO ORDERED.

FOR THE COURT

Catherine O'Hagan Wolfe, Acting Clerk

BY: Vidya Kuredla

VIDYA KUREDLA, Staff Counsel

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Catherine O'Hagan Wolfe, Clerk

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by RJH

DUTY CLERK